

**SUPREME COURT MINUTES  
FRIDAY, MAY 14, 2010  
SAN FRANCISCO, CALIFORNIA**

**S182635****MORSE (RICHARD E.) ON  
H.C.**

Petition for writ of habeas corpus & application for stay denied

**S175615**

A119501 First Appellate District, Div. 2

**PEOPLE v. HERNANDEZ  
(ARTURO JESUS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to June 21, 2010.

**S176923**

G036560 Fourth Appellate District, Div. 3

**PEOPLE v. TRAN (QUANG  
MINH)**

Extension of time granted

On application of Respondent and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to June 14, 2010. No further extensions of time are contemplated.

**S179552**

C060376 Third Appellate District

**PEOPLE v. JONES  
(JARVONNE FERDELL)**

Extension of time granted

On application of Appellant and good cause appearing, it is ordered that the time to serve and file the Opening Brief on the Merits is extended to June 29, 2010. No further extensions of time are contemplated.

**S175204**

G040843 Fourth Appellate District, Div. 3

**RUIZ (ALEJANDRA) v.  
PODOLSKY (ANATOL)**

Application to appear as counsel pro hac vice granted

The application of John Vail for admission pro hac vice to appear on behalf of respondents, Alejandra Ruiz et al., is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S182192****MHC FINANCING LIMITED  
PARTNERSHIP TWO v. CITY  
OF SANTEE**

Application to appear as counsel pro hac vice granted

The application of David J. Bradford and Bradley M. Yusim for admission pro hac vice to appear on behalf of appellant is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S141274****PEOPLE v. ABBOTT (JOE  
HENRY)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Gregory L. Rickard is hereby appointed to represent appellant Joe Henry Abbott for the direct appeal in the above automatic appeal now pending in this court.

**S180776****KASTELIC ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DEBRA LOUISE KASTELIC, State Bar Number 144682, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

DEBRA LOUISE KASTELIC must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180855****DAY ON DISCIPLINE**

Recommended discipline imposed

The court orders that BRIAN LEO DAY, State Bar Number 140451, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, subject to the following conditions:

1. BRIAN LEO DAY is suspended from the practice of law for a minimum of six months, and he will remain suspended until the following requirements are satisfied:
  - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar; and
  - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. BRIAN LEO DAY must comply with the conditions of probation, if any, imposed by the

State Bar Court as a condition for terminating his suspension.

BRIAN LEO DAY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

BRIAN LEO DAY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180856****COMESS ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD DAVID COMESS, State Bar Number 198665, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. RICHARD DAVID COMESS is suspended from the practice of law for a minimum of the first 60 days of probation (with credit given for the period of inactive enrollment pursuant to Business and Professions Code section 6233 which commenced on October 3, 2008, and ended on January 28, 2009), and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Terry Rusheen in the amount of \$4,000 plus 10 percent interest per annum from October 1, 2001 (or reimburses the Client Security Fund to the extent of any payment from the fund to Terry Rusheen, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. If RICHARD DAVID COMESS remains suspended for two years or more as a result of not satisfying the preceding requirement, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii)); and
  - iii. If RICHARD DAVID COMESS remains suspended for 90 days or more, he must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.
2. RICHARD DAVID COMESS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 12, 2010.

3. At the expiration of the period of probation, if RICHARD DAVID COMESS has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

RICHARD DAVID COMESS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180858****TABACHNICK ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BARRY STEPHAN TABACHNICK, State Bar Number 91923, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. BARRY STEPHAN TABACHNICK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180860****ZAJIC ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CHRISTOPHER ALLEN ZAJIC, State Bar Number 123878, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. CHRISTOPHER ALLEN ZAJIC must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180861****MALLORY ON DISCIPLINE**

Recommended discipline imposed

The court orders that KIM FOPPE MALLORY, State Bar Number 159870, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. KIM FOPPE MALLORY is suspended from the practice of law for the first year of probation;
2. KIM FOPPE MALLORY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 5, 2010; and
3. At the expiration of the period of probation, if KIM FOPPE MALLORY has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KIM FOPPE MALLORY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of her suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

KIM FOPPE MALLORY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180863****MANGAR ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID DEAN MANGAR, State Bar Number 172628, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID DEAN MANGAR must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S182313****JONES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTIAN TREVOR JONES, State Bar Number 115826, as a member of the State Bar of California is accepted.

**S182408****LAI ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PEARL CHOW LAI, State Bar Number 220370, as a member of the State Bar of California is accepted.

**S182410****KING ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SHERYL SMITH KING, State Bar Number 125801, as a member of the State Bar of California is accepted.

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
MAY 25, 26, and 27, 2010**

**SECOND AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 25, 26, and 27, 2010.

**TUESDAY, MAY 25, 2010 — 9:00 A.M.**

- |     |         |   |
|-----|---------|---|
| (1) | S175204 | Ruiz et al. v. Podolsky (Werdegar, J., not participating; Scotland, J., assigned justice pro tempore) |
| (2) | S171442 | Lu v. Hawaiian Gardens Casino, Inc., et al.   |
| (3) | S162570 | Murray v. Alaska Airlines, Inc.   |

**1:30 P.M.**

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|-----|---------|---|
| (4) | S160930 | In re Pope (Nathan) on Habeas Corpus          |
| (5) | S153917 | People v. Duff (James Edward)                 |
| (6) | S026408 | People v. Lynch (Franklin) [Automatic Appeal] |

**WEDNESDAY, MAY 26, 2010 — 9:00 A.M.**

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|-----|---------|---|
| (7) | S158965 | Reid v. Google, Inc.  |
| (8) | S174633 | Moore v. Superior Court of Los Angeles Co. (People, Real Party in Interest) |
| (9) | S170778 | People v. Anderson (Eli Jordan)   |

**1:30 P.M.**

- |      |         |   |
|------|---------|---|
| (10) | S153852 | Ameron International Corp. v. Insurance Co. of the State of Pennsylvania (Corrigan, J., not participating; Rubin, J., assigned justice pro tempore) To be called and continued to the September 2010 calendar]\ |
| (11) | S081148 | People v. Jennings (Martin Carl) [Automatic Appeal]   |
| (12) | S055415 | People v. Cowan (Robert Wesley) [Automatic Appeal]  |

**THURSDAY, MAY 27, 2010 — 9:00 A.M.**

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|------|---------|--|
| (13) | S078404 | People v. Brady (Roger Hoan) [Automatic Appeal]  |
| (14) | S057321 | People v. Lomax (Darrell Lee) [Automatic Appeal] |

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*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)